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ROBERT D. FISH (#149711)
MEI TSANG (#237959)
ANDREW MAR (#251587)
FISH & ASSOCIATES, PC
2603 Main Street, Suite 1000
Irvine, CA 92614
Tel: 949.943.8300
Fax: 949.943.8358

Attorneys for MARCHELO DESIGN, INC.
dba ITAL ART DESIGN

JEFFREY SPITZ (SBN 119343)
jspitz@ggfirm.com
MELISSA ADDISON BAKEWELL (SBN 228715)
mbakewell@ggfirm.com
GREENBERG GLUSKER FIELDS CLAMAN &
MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
Telephone: 310.553.3610
Fax: 310.553.0687

Attorneys for Defendants
Best Master Enterprises, Inc., Best Quality
Furniture Manufacturing, Inc., Hoc Van Ta,
and Bao Van Ta

**UNITED STATES DISTRICT COURT for the
CENTRAL DISTRICT OF CALIFORNIA**

MARCHELO DESIGN, INC. dba
ITAL ART DESIGN

Plaintiff,

v.

THE BEST MASTER ENTERPRISES,
INC., THE BEST QUALITY
FURNITURE MANUFACTURING,
INC., HOC VAN TA, BAO VAN TA,
AND DOES 1 THROUGH 20.

Defendants.

Case No.: CV08-3654 DOC (CWx)

**JUDGMENT AND PERMANENT
INJUNCTION BY STIPULATION**

Honorable David O. Carter

1 Plaintiff, Marchelo Design, Inc. dba Ital Art Design (“Ital”) and Defendants, The
 2 Best Master Enterprises, Inc. (“Best Master”), The Best Quality Furniture
 3 Manufacturing, Inc., Hoc Van Ta, and Bao Van Ta, (collectively “Defendants”) in
 4 compromise and settlement of this action on the terms and conditions of a
 5 settlement agreement among them (the “Settlement Agreement”), and having
 6 agreed that a stipulated Judgment and Permanent Injunction should be entered
 7 between them, and good cause appearing therefor, but without any admission of
 8 liability by any of the Defendants for any of the acts complained of in Plaintiffs’
 9 First Amended Complaint in this action,

10
 11 **IT IS ORDERED, ADJUDGED, AND DECREED:**
 12

13 1. This Court has jurisdiction over the subject matter of this action pursuant to
 14 28 U.S.C. §1338 (a) (action arising under an Act of Congress relating to copyright
 15 or trade dress) and 28 U.S.C. § 1331 (federal question). The Parties herein each
 16 consent to the personal jurisdiction of this Court in this action, and of this Court to
 17 enforce the terms and provisions of this Judgment and Permanent Injunction by
 18 Stipulation (the “Stipulated Judgment”).

19 2. The Parties have stipulated to the following facts, which are hereby adopted
 20 by this Court as findings of fact:

21 A. Ital has copyright in designs as identified in U.S. Copyright
 22 Registration Number VA 1-623-888 (hereinafter the ‘888’ Copyright
 23 Registration);

24 B. On June 4, 2008, Ital filed a Complaint for Copyright Infringement
 25 against Defendants, Case No. CV08-03654 GPS (CWx) (the

1 “Action”). The Complaint was amended on July 9, 2008 and
2 December 15, 2008. Defendants denied all the allegations in the
3 Complaint, including as amended; and

4 C. Each of the Defendants has been involved in selling furniture
5 identified by design numbers FD002, FD825, FD009, W1600,
6 W1600-1, W1600-2, 2103, and FD008 (the “Furniture Designs”) that
7 Ital alleges infringes the ‘888’ Copyright Registration rights.

8 3. The Defendants, jointly and severally, and any of their agents, servants,
9 employees, representatives, successors, assigns, attorneys, licensees, distributors,
10 and all persons and companies in privity or active concert or participation with
11 Defendants, or in control of or controlled by Defendants are hereby permanently
12 enjoined as follows:

13 A. The Defendants will not import, export, purchase, manufacture,
14 distribute, or sell, either on behalf of themselves or any other entity,
15 any new items of the Furniture Designs.

16 B. The Defendants will not assist any other entities to order, purchase,
17 manufacture, distribute, or sell any new items of the Furniture
18 Designs.

19 C. The Defendants will collectively use best efforts to dispose of the
20 Current Inventory in an expeditious fashion.

21 D. The Defendants will collectively provide monthly sales data to
22 counsel for Ital, such data detailing items sold, price, and location for
23 each item sold out of the Current Inventory until all such inventory is
24 sold. Each of the Defendants represents and warrants that the monthly
25

1 sales data is a complete and statement of the disposition of all of the
2 Furniture Designs.

3 E. After the Current Inventory is sold or disposed of, Defendants, and
4 each of them, will cease all importing, exporting, purchasing,
5 manufacturing, distributing, and selling, of the Furniture Designs,
6 either on behalf of themselves or any other entity.

7 F. The Defendants will not import, export, purchase, manufacture,
8 distribute, or sell, either on behalf of themselves or any other entity,
9 any sofa product that infringes rights under the '888' Copyright
10 Registration.

11 G. Defendants will cease doing business with the Chinese manufacturer
12 known as Furniture Dragon, or any successor company of Furniture
13 Dragon.

14 H. The Defendants will not challenge, or assist any other entity in
15 challenging the validity or enforceability of the '888' Copyright
16 Registration.

17 4. Except for the terms of this Stipulated Judgment, this Action, against each of
18 the Defendants, is hereby dismissed, with prejudice.

19 5. Each of the Parties agrees to the continuing jurisdiction of the US District
20 Court, Central District of California for resolution of all disputes or further actions
21 arising from the Settlement Agreement and this Stipulated Judgment ("Further
22 Actions").

23 //

24 //

25 //

6. Except as to any Further Actions, the Parties will each bear their own attorneys' fees and all other costs and expenses incurred in connection with the Action and the Settlement Agreement.

Dated: June 11, 2009


UNITED STATES DISTRICT JUDGE

THE PARTIES HERETO APPROVE THE ABOVE AS TO FORM AND CONTENT AND STIPULATE TO THE ENTRY OF THIS JUDGMENT AND INJUNCTION:

FISH & ASSOCIATES, PC
2603 Main Street, Suite 1050
Irvine, CA 92614
Tel: (949) 253-0944
Fax: (949) 253-9069

Attorneys for Plaintiff, MARCHELO
DESIGN, INC. dba ITAL ART DESIGN

By: /s/ ROBERT D. FISH
ROBERT D. FISH

DATED: June 10, 2009

**GREENBERG GLUSKER FIELDS CLAMAN &
MACHTINGER LLP**
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

Attorneys for Defendants, Best Master
Enterprises, Inc., Best Quality, Furniture
Manufacturing, Inc., Hoc Van Ta, and
Bao Van Ta

By: /s/ MELISSA A. BAKEWELL
MELISSA ADDISON BAKEWELL

DATED: June 10, 2009